

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

RUSSELL J. ARCHIBALD,

Plaintiff,

v.

MEL MARTINEZ, SECRETARY OF
HOUSING AND URBAN DEVELOPMENT,

Defendant.

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C.A. No. 04-10503-MEL

DEFENDANT'S MOTION FOR LEAVE TO FILE A REPLY

Defendant, Secretary of Housing and Urban Development (hereinafter “HUD” or “Defendant”), by and through his Attorney, Michael J. Sullivan, United States Attorney for the District of Massachusetts, herein moves this Court for Leave to File a Reply. As grounds for this Motion, the defendant states as follows:

1. On May 15, 2007 the defendant filed a Motion for Summary Judgment;
2. On June 19, 2007 the plaintiff filed a Motion to Strike/Opposition to the defendant’s Motion for Summary Judgment;
3. The plaintiff made various statements and further allegations that the defendant wants to clarify so that the Court can properly assess the facts and procedural history of the case;
4. Since the plaintiff filed his Motion to Strike/Opposition, counsel for the defendant who assisted in drafting the defendant’s Motion for Summary Judgment, has left the employment of the Government;
5. The defendant has assigned a new attorney to draft a Reply and requires the additional time to learn the facts of the case; and

6. The defendant is seeking up to and including July 20, 2007 to reply to the plaintiff's Motion to Strike/Opposition.

WHEREFORE, the defendant is seeking up to and including July 20, 2007 to reply to the plaintiff's Motion to Strike/Opposition.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

June 26, 2007

By: /s/ Rayford A. Farquhar
Rayford A. Farquhar
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CERTIFICATE OF SERVICE

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on June 26, 2007.

/s/ Rayford A. Farquhar
Rayford A. Farquhar
Assistant U.S. Attorney